

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,)	CASE NO.: 1:15-CV-01046
)	
Plaintiff,)	
)	JUDGE SOLOMON OLIVER, JR.
vs.)	
)	<u>NOTICE SUBMITTING CDP'S</u>
CITY OF CLEVELAND)	<u>REVISED USE OF FORCE POLICIES,</u>
)	<u>NEW CROWD MANAGEMENT</u>
Defendant.)	<u>POLICIES, and INTERACTIONS</u>
)	<u>WITH CITIZENS RECORDING</u>
)	<u>POLICE ACTIVITY POLICY</u>

Pursuant to Paragraphs 45 and 341 through 349 of the Consent Decree in the above-captioned matter, the City of Cleveland (the “City”), on behalf of the Cleveland Division of Police (“CDP” or “Division”), submitted proposed revisions to certain Use of Force and newly created Crowd Management General Police Orders (“GPO”). The Consent Decree requires the Division to “revise, develop, and implement force policies, training, supervision, and accountability systems with the goal of ensuring that force is used in accordance with the Constitution and the laws of the United States and the requirements of this Agreement and that any use of unreasonable force is promptly identified and responded to.”¹

The Court approved the initial CDP Use of Force General GPO and Use of Force Reporting GPO, along with other related use of force policies, on January 17, 2017.² Since that time, the Division revised its Use of Force policies to incorporate references to its new Crowd Management policies and procedures. The need for specific crowd control management policies was identified

¹ Dkt. 413-1, Ex. A ¶45; Dkt. 416.

² Dkt. 101.

as necessary following the Division's response to civil disobedience and disturbances following the killing of George Floyd in May 2020. The following summarizes the policies that accompany this Notice:

- GPO 2.01.03 Use of Force – General (Exhibit A) revised to expressly require officers to comply with all use of force mandates and reporting while engaged in in crowd management and field force deployments. It also expressly prohibits officers from using force against individuals who are simply exercising their constitutional rights under the First Amendment. It permits officers to physically move individuals for safety reasons when necessary and objectively reasonable to do so. Such physical movement is not deemed a reportable use of force unless the activity amounts to a Level 1, Level 2, or Level 3 use of force.
- GPO 2.01.05 Use of Force – Reporting (Exhibit B) – revised to expressly require officers to use CDP use of force tracking software to detail all Level 1 and 2 uses of force against individuals or groups of people by the end of their shift, when feasible, or no later than the end of their next shift. The revised policy requires officers witnessing such force to detail what they observed using a Witness Statement Form. Force used against multiple individuals at one time must be authorized by the Chief of Police or their designee.
- GPO 2.01.06 Use of Force – Supervisory Reviews and Investigations (Exhibit C) - revised to designate the Inspections Unit as the unit responsible for investigating all uses of force during Field Force deployments. The resulting reports are to be forwarded through the chain of command via the Division's use of force tracking software.

- GPO 4.07.01 Crowd Management – General with Dispersal Order exemplar (Exhibit D) – a new CDP GPO that provides officers with general guidelines for managing large crowds. The GPO distinguishes between acts of civil disobedience and civil disturbances; making it clear that officers are required to ensure the constitutional rights of those gathered for demonstrations or civil disturbances are protected. The GPO also details the de-escalation, reporting, and crowd dispersal processes required of officers responding to acts of civil disobedience. The policy details the professional decorum required of officers during such incidents. Attached to the policy is an exemplar of the dispersal order language required to be read aloud documenting the reason for the dispersal order and granting individuals time to comply with the order prior to initiating arrests.
- GPO 4.07.02 Crowd Management – Incident Command System (Exhibit E) – this new policy details the process and procedures to be followed when multiple agencies coordinate activities during critical incidents. It also details the scope and timing requirements of after-action reports as well as training requirements.
- GPO 4.07.03 Crowd Management – Mass Arrest (Exhibit F) – a new CDP policy that provides officers, supervisors, and incident commanders with general guidelines and responsibilities when making mass arrests of individuals engaged in unlawful congregation in violation of local law.
- GPO 4.07.05 Long Range Acoustic Device Protocol (Exhibit G) – a new CDP policy that details when the use of Long Range Acoustic Device systems are authorized for use by CDP personnel and describes how such devices should be

used. The policy also includes documentation and training requirements related to its use.

- GPO 4.07.06 Mobile Field Force Operations (Exhibit H) – CDP developed this new policy to establish its Mobile Field Force unit and provide guidelines and procedures for its operations. The policy details a tiered-officer response approach that incorporates the roles and responsibilities of officers, supervisors, and Field Force Commander as it relates to deployment, documentation, and training.
- GPO 4.07.06A Mobile Field Force Operations Quarterly PPE Inspection Form (Exhibit I) – CDP submitted an Excel spreadsheet form it will use to track the inspection of Personal Protective Equipment assigned to and utilized by officers in each District.
- GPO 4.07.07 Grenadier Protocols (Exhibit J) – this new policy details the certification and training requirements of officers to handle a variety of crowd control management devices including pepper ball launchers and projectiles, inert blast balls, smoke grenades, 40mm impacts, and other devices that deploy oleoresin capicum. Duly certified officers are identified as grenadiers and are required to comply with all use of force requirements and ensure that their body-worn cameras capture the conditions giving rise to equipment use and the use itself.
- GPO 4.07.07A Grenadier Equipment Munitions Quarterly Inspection Report Form (Exhibit K) - CDP submitted an Excel spreadsheet form each District and Unit will use to track the inspection of its grenadier equipment on a quarterly basis.

- GPO 4.07.07B Grenadier Equipment Munitions Log (Exhibit L) - CDP submitted an Excel spreadsheet form each District and Unit will use to track the assignment of its grenadier equipment to each assigned officer.

The Cleveland Division of Police also submitted its Interactions with Citizens who are Recording Police Activity policy. (Exhibit M) Unlike the crowd management policies, the Interactions with Citizens policy involves officer engagement with members of the public during their routine, daily job duties. This new policy prohibits officers from improperly interfering with individuals lawfully recording police activities. It prohibits CDP officers from threatening, intimidating, using force against, stopping, detaining, or citing community members solely because they are observing, recording or photographing such activity. The policy also details the type of instances when public safety can outweigh an individual's right to record officer activity. It goes on to specify officer responsibilities when they determine that a member of the public is engaging in prohibited conduct.

The Department of Justice ("DOJ") and Monitoring Team provided feedback on each of the policies detailed above. That feedback was either addressed or incorporated by the Division. As such, the Monitoring Team submits CDP's Revised Use of Force and Crowd Management Policies to the Court.

Respectfully submitted,

/s/ Ayesha Bell Hardaway

Ayesha Bell Hardaway
Interim Monitor
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CERTIFICATE OF SERVICE

I hereby certify that on December 6, 2022, I served the foregoing document entitled Notice Submitting CDP'S Revised Use of Force Policies, Crowd Management Policies, and Interactions with Citizens Recording Police Activity via the court's ECF system to all counsel of record.

/s/ Ayesha Bell Hardaway
AYESHA BELL HARDAWAY